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NOTES OF CASES.

A Too Speedy Trial.—Late in the afternoon of September 7, 1921, a negro man was arrested in Williamson, W. Va., and lodged in the county jail located in that city. On the following morning he was taken to the courthouse and informed that he had been indicted for rape, alleged to have been committed upon a certain white girl on the previous day. He announced that he was ready for trial, and upon being arraigned pleaded not guilty. Owing to the fact that he had no counsel to conduct his defense, the court assigned him an attorney, and the trial commenced immediately. During the trial the courthouse was besieged by an angry mob, who were demanding the immediate execution of the negro. Even within the courtroom during the progress of the trial there was disorder and confusion created by those who were demanding that the negro be immediately punished.

Under these conditions, the trial was carried on. The defense of the negro was weak, owing to lack of time in which to prepare; in fact, there was not one witness called on his behalf. The cross-examination of the state's witnesses was poorly conducted, and as a matter of fact little was done to accord the accused a fair trial, or a chance to properly defend himself. A verdict of guilty was returned by the jury, and the prisoner was sentenced to death, to be executed on October 17, 1921. That same evening he was placed on a passenger train and conveyed to the penitentiary. The prisoner brought error, and the Supreme Court of Appeals of West Virginia in *State v. Latimar*, 111 Southeastern Reporter, 510, reversed the decision of the lower court and awarded the negro a new trial. Judge Lively wrote the opinion, from which the following remarks are quoted:

"The mob has dictated this conviction. The bloodthirsty mob spirit permeated the atmosphere of the trial, and had its effect upon court and jury. * * * Under the stress of this situation it would not have been surprising if the prisoner had pleaded guilty, thereby hoping to escape the threatening mob, and thus prolong his life. * * * The defendant may be guilty; that does not concern us. But he is entitled to a fair and impartial trial, to the calm, deliberate, and uninfluenced judgment of his peers. Orderly and constituted government demands such trial. It is a safeguard in which all members of society are interested, and which should be jealously upheld and guarded. A judicial lynching is a graver and more startling crime than a lynching by the irresponsible rabble. * * * Much of the success of any form of government depends upon the opinion of those governed, of its power to protect them in the administration of the laws, and in the wisdom and integrity of those who govern. When the courts do not uphold the laws, respect for law and for government ceases. * * * We are of the opinion that the prisoner has not had a fair trial, and that the lower court committed palpable error in not sustaining his motion for a new trial."